

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:21-CR-00037-RJC-DCK

USA	)	
	)	
v.	)	<u>ORDER</u>
	)	
JOSEPH ANTWAN FAULK,	)	
	)	

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**THIS MATTER IS BEFORE THE COURT** on the Government's Motion to Authorize Payment from Inmate Trust Account, (Doc. No. 32), to which the Defendant has not objected. Pursuant to 18 U.S.C. §§ 3613 and 3664, the Court **GRANTS** the United States' Motion.

**BACKGROUND**

The Defendant pleaded guilty to Hobbs Act Robbery, in violation of 18 U.S.C. § 1951, and Possessing and Brandishing a Firearm in Furtherance of a Crime of Violence, in violation of 18 U.S.C. § 924(c)(1)(A)(ii). (Doc. No. 17: Plea Agreement; Doc. No. 18: Acceptance and Entry of Guilty Plea). On March 11, 2022, this Court sentenced him to a total of one hundred thirty-eight (138) months' imprisonment and three (3) years' supervised release. (Doc. No. 28: Judgment). This Court also ordered him to pay a special assessment of \$200.00 and \$647.00 in restitution. (Id.). The Defendant paid \$75.00 of the special assessment but nothing towards restitution. He remains in federal custody at Victorville USP in California, with a release date of November 14, 2030. See <https://www.bop.gov/inmateloc/>.

The United States Attorney's Office recently learned that Defendant has approximately \$1,584.55 in his inmate trust account maintained by the Bureau of Prisons ("BOP"). The United States moves for entry of an order authorizing the BOP to turn over \$772.00 of the funds held in Defendant's inmate trust account to the Clerk of Court as payment of the restitution owed to the victims of the Defendant's crime and the remainder of the special assessment.

### **DISCUSSION**

Title 18, United States Code, Section 3613 sets out procedures for the United States to enforce criminal monetary penalties, including restitution and fines. 18 U.S.C. §§ 3613(a) and (f). Pursuant to 18 U.S.C. § 3613(c), upon entry of judgment, a lien arises against all of a defendant's property and rights to property, including a defendant's interest in funds held by the BOP in his or her inmate trust account. See 18 U.S.C. § 3613(a) (United States may enforce restitution against all property and rights to property of a defendant).

The Mandatory Victims Restitution Act ("MVRA") permits the United States to use "all other available and reasonable means" to collect restitution. 18 U.S.C. § 3664(m)(1)(A)(ii). The MVRA also requires that a defendant's substantial resources received from any source during a term of incarceration be applied to his or her outstanding restitution obligation. 18 U.S.C. § 3664(n). The MVRA further authorizes a court to order payment of a restitution obligation upon notice of a material change in a defendant's economic circumstances that affects his or her ability to pay restitution "as the interests of justice require." 18 U.S.C. § 3664(k).

The funds at issue currently are in the Government's possession, and it has a valid lien over this property. Further, because the property at issue is cash, it does not fall within any applicable categories of the exempt property that a defendant may claim in a criminal case. 18 U.S.C. § 3613(a)(1) (setting forth the applicable Internal Revenue Code property exemptions for criminal cases). Thus, the Court finds that an order authorizing the turnover of the Defendant's property is appropriate here.

**IT IS, THEREFORE, ORDERED** that the Government's Motion, (Doc. No. 32), is **GRANTED**, and the BOP is hereby authorized to turn over to the Clerk of Court funds in the amount of \$772.00 held in the inmate trust account for the Defendant as full payment for the criminal monetary penalties imposed in this case. The funds shall be paid to the Office of the United States District Court Clerk of Court for the Western District of North Carolina, 401 West Trade Street, Charlotte, North Carolina 28202, and the Clerk of Court shall accept said funds currently held in the trust account for the following inmate: Joseph Antwan Faulk, Register Number 32222-509.

**SO ORDERED.**

Signed: December 1, 2023



Robert J. Conrad, Jr.  
United States District Judge

